

County, as generally depicted on the map entitled "Ryan Land Exchange-Smuggler Mountain-Grand Turk & Pontiac Claims Conveyance to Forest Service" and dated August 2004.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

#### SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—

(1) accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, except as provided in section 5(d), subject to all valid existing rights and encumbrances.

(b) TIMING.—It is the intent of Congress that the land exchange directed by this Act shall be completed not later than 1 year after the date of enactment of this Act.

#### SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) EQUAL VALUE EXCHANGE.—The value of the Federal land and non-Federal land—

(1) shall be equal; or

(2) shall be made equal in accordance with subsection (c).

(b) APPRAISALS.—The value of the Federal land and non-Federal land shall be determined by the Secretary through appraisals conducted in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice; and

(3) Forest Service appraisal instructions.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the County shall donate to the United States the excess value of the non-Federal land, which shall be considered to be a donation for all purposes of law.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may, as the Secretary and the County determine to be appropriate, be equalized by the County—

(i) making a cash equalization payment to the Secretary;

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled "Sellar Park Parcel" and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii).

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under clause (i) or (iii) of subparagraph (A) shall be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or interests in land in Colorado for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) IN GENERAL.—As a condition of the conveyance of the parcel of Federal land described in section 3(3)(C) to the County, the County shall agree to—

(i) provide for public access to the parcel; and

(ii) require that the parcel shall be used only for recreational, fish and wildlife conservation, and public open space purposes.

(B) REVERSION.—At the option of the Secretary of the Interior, the parcel of land de-

scribed in section 3(3)(C) shall revert to the United States if the parcel is used for a purpose other than a purpose described in subparagraph (A)(ii).

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—In the deed of conveyance for the parcel of Federal land described in section 3(3)(A) to the County, the Secretary shall, as determined to be appropriate by the Secretary, in consultation with the County, reserve to the United States a permanent easement for the location, construction, and public use of the East of Aspen Trail.

#### SEC. 6. MISCELLANEOUS PROVISIONS.

(a) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.—

(1) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the White River National Forest.

(2) MANAGEMENT.—On acquisition, land acquired by the Secretary under this Act shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(3) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the White River National Forest shall be deemed to be the boundaries of the White River National Forest as of January 1, 1965.

(b) REVOCATION OF ORDERS AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn, subject to valid existing rights, until the date of the conveyance of the Federal land to the County.

(3) WITHDRAWAL OF NON-FEDERAL LAND.—On acquisition of the non-Federal land by the Secretary, the non-Federal land is permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(c) BOUNDARY ADJUSTMENTS.—The Secretary, the Secretary of the Interior, and the County may agree to—

(1) minor adjustments to the boundaries of the parcels of Federal land and non-Federal land; and

(2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill H.R. 1129, as amended was read the third time, and passed.

#### STE. GENEVIEVE COUNTY NATIONAL HISTORIC SITE STUDY ACT OF 2005

The bill (H.R. 1728) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND ACT OF 2005

The bill (H.R. 2107) to amend Public Law 104-329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### NORTHERN COLORADO WATER DISTRIBUTION FACILITIES CONVEYANCE ACT

The bill (H.R. 3443) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, was considered, ordered to a third reading, read the third time, and passed.

#### SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION ACT

The bill (H.R. 2720) to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS ACT

The bill (H.R. 233) to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes was considered, read the third time, and passed.

#### SECTION 10

Mr. BINGAMAN. Mr. President, I would like to enter into a colloquy with Senators DOMENICI, BOXER, and FEINSTEIN concerning a provision in H.R. 233, the Northern California Wild Heritage Wilderness Act. Although I strongly supported the Senate companion measure, S. 128, which passed the Senate last year, I am concerned with some of the changes made by bill as passed by the House of Representatives. Of particular concern is section 10, dealing with commercial fishing permits in Redwood National and State Parks in California. The section directs the Secretary of the Interior to issue permits for authorized vehicle access for commercial surf fishing at designated beaches within both the National and State Parks. The section provides that the number of permits

shall be limited to the number of valid permits that are held on the date of enactment of this Act, and that the permits "so issued shall be perpetual and subject to the same conditions as the permits held on the date of enactment of this Act."

I understand from the National Park Service and the bill sponsors that presently 15 permits are issued for commercial surf fishing within the park. I was concerned that the language stating that the permits shall be perpetual might be construed as creating a right vesting in the permit holder, which would be contrary to the way permits are issued throughout the National Park System. However, I understand that the intent of this language is simply to ensure that the National Park Service not reduce the number of permits issued below the current level of valid permits, assuming there is sufficient demand for the remaining permits. Furthermore, I understand that there is no intent for the requirements of section 10 to be construed as an implied waiver of applicable laws, including the National Park Service Organic Act and the Endangered Species Act, but rather a directive to the Park Service to discontinue its plan to completely phase out these permits. I would like to ask Senator DOMENICI, the chairman of the Committee on Energy and Natural Resources, and Senators BOXER and FEINSTEIN, the Senate sponsors, whether they agree with me that it is their intent that the language in section 10 does not create a property right and whether they also agree that the sole purpose of the language is to limit the number of permits to the number of valid permits in existence as of the date of enactment of H.R. 233.

Mrs. BOXER. I agree with Senator BINGAMAN's understanding. It is not our intent to create any new right with respect to these permits.

Mrs. FEINSTEIN. I agree with the Senator from New Mexico.

Mr. DOMENICI. I agree.

Mr. BINGAMAN. The language in section 10 requires the Secretary of the Interior to issue permits allowing for authorized vehicle access to designated beaches, including Gold Bluff Beach, within Prairie Creek Redwoods State Park, which is located within the broader national park boundary. This provision is unusual in that, on its face, it appears to require the Secretary to authorize access to a beach that is within a State Park and managed by the California Department of Parks and Recreation. However, I understand that nothing in this section is intended to override the responsibilities of the State of California and its management of state park. Is that the understanding of the chairman and bill sponsors as well?

Mrs. BOXER. I agree. The language in this bill does not impose requirements on the State of California.

Mrs. FEINSTEIN. I agree.

Mr. DOMENICI. I agree.

Mr. BINGAMAN. I thank my colleagues for helping to clarify this issue. I ask unanimous consent that a letter from Congressman THOMPSON, the sponsor of H.R. 233, be printed in the RECORD. His letter indicates his agreement with our colloquy. Based on the common understanding of the purpose and intent of section 10, I will support passage of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,  
Washington, DC, July 27, 2006.

Hon. JEFF BINGAMAN,  
Ranking Member, Senate Energy and Natural  
Resources Committee,  
Dirksen Senate Office Building, Washington,  
DC.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

Hon. BARBARA BOXER,  
U.S. Senate,  
Washington, DC.

DEAR RANKING MEMBER BINGAMAN, SENATOR FEINSTEIN AND SENATOR BOXER: I would like to take this opportunity to clarify my intent on a provision in H.R. 233, the Northern California Wild Heritage Act.

Section 10, which deals with commercial fishing permits in Redwood National and State Parks in California, directs the Secretary of the Interior to issue permits for authorized vehicle access for commercial surf fishing at designated beaches within both the National and State Parks. The section provides that the number of permits shall be limited to the number of valid permits that are held on the date of enactment of this Act, and that the permits "so issued shall be perpetual and subject to the same conditions as the permits held on the date of enactment of this Act."

I want to clarify that this language should not be construed as creating a right vesting in the permit holder, which would be contrary to the way permits are issued throughout the National Park System. The intent of this language is simply to ensure that the National Park Service not reduce the number of permits issued below the current level of valid permits, assuming there is sufficient demand for the remaining permits. Furthermore, there is no intent for the requirements of Section 10 to be construed as an implied waiver of applicable laws, including the National Park Service Organic Act and the Endangered Species Act, but rather a directive to the Park Service to discontinue its plan to completely phase out these permits. The language in Section 10 does not create a property right and the sole purpose of the language is to limit the number of permits to the number of valid permits in existence as of the date of enactment of H.R. 233.

In addition, the language in Section 10 requires the Secretary of the Interior to issue permits allowing for authorized vehicle access to designated beaches, including Gold Bluff Beach, within Prairie Creek Redwoods State Park, which is located within the broader national park boundary. However, nothing in this section is intended to override the responsibilities of the State of California and its management of the state park.

Thank you very much for all your time and effort on this very important bill. I appreciate the opportunity to clarify this issue.

Sincerely,

MIKE THOMPSON,  
Member of Congress.

Mrs. BOXER. Mr. President, this is a great day for California.

After years of hard work by my colleagues, Senator FEINSTEIN and Congressman MIKE THOMPSON and I, the Northern California Coastal Wild Heritage Wilderness Act passed the Congress today. It now goes to the President's desk for his signature.

I want to thank my colleague, Senator FEINSTEIN, and Congressman MIKE THOMPSON for all of their great work on this bill. Without their tireless support, we would not have gotten to this point.

Anyone who has ever visited California or been fortunate enough to live there is keenly aware of the State's natural beauty indeed, more than most States, California's wild beauty—is an essential part of its identity.

California's natural beauty and way of life has enticed millions to come and live there but that very enticement is now threatened by exponential growth—35,900,000 people live in my State, according to the 2004 U.S. Census estimate, and that figure is growing by leaps and bounds daily.

That is why so many Californians have come together to support this bill and protect some of the last great natural places in the State.

Thousands of average citizens and over 200 local businesses, outdoor groups, and other interests support the bill these include Harwood Industries, the Adventures Edge Mountain Bike Store, and K.B. Homes, the largest homebuilder in California.

There have been 23 supportive votes or resolutions from city councils, county boards of supervisors, tribal councils, and other boards since 2001.

Our Governor, Arnold Schwarzenegger, supports it, as do 40 former or current local elected officials of both parties in Lake, Mendocino, Napa, and Humboldt Counties.

When one considers what we are trying to preserve, it is easy to see why Congressman THOMPSON and I have such broad support for our legislation. I would like to share a few examples.

First and foremost is the spectacular King Range, the wildest portion of California's coast—it boasts the longest stretch of undeveloped coastline in the lower 48 States. Next, I would like to share Cache Creek it is home to the second largest wintering bald eagle population in California and a herd of rare Tule elk, which is the world's smallest elk. Cache Creek is popular with white water rafters for its rapids and scenery.

Next, the Middle Fork Eel River, which hosts 30 to 50 percent of the State's summer-run steelhead trout population, an endangered species, and critical to California's fishermen and tribes. It also has spectacular ancient forests of oak pine and fir. Our bill provides improved protections for this pristine area.

These are but three of the dozens of examples I could show you today. Californians want to protect the sanctity of these lands, and our bill does just that.

Before I conclude, there are some people I need to thank. First, I again thank Senator FEINSTEIN, my partner in the Senate on this bill. Her work on the Energy and Natural Resources Committee was invaluable, and John Watts of her staff helped greatly. Congressman THOMPSON tirelessly championed this bill in the House, and Jonathan Birdsong, his legislative director, put in countless hours of work to accomplish this.

I also thank Senators BINGAMAN and DOMENICI of the Energy and Natural Resources Committee. They, along with Senators CRAIG and WYDEN, have worked very well with me to protect these special places and helped me move this bill forward. Finally I need to thank David Brooks and Frank Gladics of the Energy Committee staff for working so carefully and conscientiously on this bill.

God has given Americans an exceptionally beautiful treasure in its wild landscape, and my State is blessed with some of its best.

We must be good stewards of that gift and share it with future generations that is what Theodore Roosevelt, John Muir, John Wesley Powell, Ansel Adams, and other great Americans did, and we have places like Yosemite and Yellowstone to cherish because of their actions.

Mr. President, because the Congress passed this bill today, future generations will be thanking us for preserving places like the King Range and other parts of the stunning, wild, and unspoiled northern California coast.

#### CORRECTING THE ENROLLMENT OF S. 203

The concurrent resolution (H. Con. Res. 456) was considered and passed.

#### OJITO WILDERNESS ACT AMENDMENT

#### NATIONAL TRAILS SYSTEM ACT AMENDMENT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 4841 and H.R. 3085, and the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4841) to amend the Ojito Wilderness Act to make a technical correction.

A bill (H.R. 3085) to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bills, as amended, if amended, be read a third time and passed, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5113) was agreed to, as follows:

(Purpose: To clarify that additional funds are not authorized to be appropriated to carry out the feasibility and suitability study)

On page 3, strike lines 1 through 3 and insert the following:

“(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).

“(D) No additional funds are authorized to be appropriated to carry out subparagraph (C). The Secretary may accept donations for the Trail from private, nonprofit, or tribal organizations.”.

The amendment was ordered to be engrossed and the bill to be read a third time. The bill (H.R. 3085), as amended, was read the third time, and passed.

The bill (H.R. 4841) was ordered to be read a third time, was read the third time and passed.

#### NATIONAL HERITAGE AREAS ACT OF 2006

Mrs. HUTCHISON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 203) to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 203

*Resolved*, That the bill from the Senate (S. 203) entitled “An Act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the “National Heritage Areas Act of 2006”.

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—SODA ASH ROYALTY REDUCTION

Sec. 101. Short title.

Sec. 102. Reduction in royalty rate on soda ash.

Sec. 103. Study.

#### TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

##### Subtitle A—Northern Rio Grande National Heritage Area

Sec. 201. Short title.

Sec. 202. Congressional findings.

Sec. 203. Definitions.

Sec. 204. Northern Rio Grande National Heritage Area.

Sec. 205. Authority and duties of the Management Entity.

Sec. 206. Duties of the Secretary.

Sec. 207. Private property protections; savings provisions.

Sec. 208. Sunset.

Sec. 209. Authorization of appropriations.

##### Subtitle B—Atchafalaya National Heritage Area

Sec. 211. Short title.

Sec. 212. Definitions.

Sec. 213. Atchafalaya National Heritage Area.

Sec. 214. Authorities and duties of the local coordinating entity.

Sec. 215. Management Plan.

Sec. 216. Requirements for inclusion of private property.

Sec. 217. Private property protection.

Sec. 218. Effect of subtitle.

Sec. 219. Reports.

Sec. 220. Authorization of appropriations.

Sec. 221. Termination of authority.

##### Subtitle C—Arabia Mountain National Heritage Area

Sec. 231. Short title.

Sec. 232. Findings and purposes.

Sec. 233. Definitions.

Sec. 234. Arabia Mountain National Heritage Area.

Sec. 235. Authorities and duties of the local coordinating entity.

Sec. 236. Management Plan.

Sec. 237. Technical and financial assistance.

Sec. 238. Effect on certain authority.

Sec. 239. Authorization of appropriations.

Sec. 240. Termination of authority.

Sec. 241. Requirements for inclusion of private property.

Sec. 242. Private property protection.

##### Subtitle D—Mormon Pioneer National Heritage Area

Sec. 251. Short title.

Sec. 252. Findings and purpose.

Sec. 253. Definitions.

Sec. 254. Mormon Pioneer National Heritage Area.

Sec. 255. Designation of Alliance as local coordinating entity.

Sec. 256. Management of the Heritage Area.

Sec. 257. Duties and authorities of Federal agencies.

Sec. 258A. Requirements for inclusion of private property.

Sec. 258B. Private property protection.

Sec. 259. Authorization of appropriations.

Sec. 260. Termination of authority.

##### Subtitle E—Freedom's Frontier National Heritage Area

Sec. 261. Short title.

Sec. 262. Purpose.

Sec. 263. Definitions.

Sec. 264. Freedom's Frontier National Heritage Area.

Sec. 265. Technical and financial assistance; other Federal agencies.

Sec. 266. Private property protection.

Sec. 267. Savings provisions.

Sec. 268. Authorization of appropriations.

Sec. 269. Termination of authority.

##### Subtitle F—Upper Housatonic Valley National Heritage Area

Sec. 271. Short title.

Sec. 272. Findings and purposes.

Sec. 273. Definitions.

Sec. 274. Upper Housatonic Valley National Heritage Area.

Sec. 275. Authorities, prohibitions, and duties of the Management Entity.

Sec. 276. Management Plan.

Sec. 277. Duties and authorities of the Secretary.

Sec. 278. Duties of other Federal agencies.

Sec. 279. Requirements for inclusion of private property.

Sec. 280. Private property protection.

Sec. 280A. Authorization of appropriations.

Sec. 280B. Sunset.

##### Subtitle G—Champlain Valley National Heritage Partnership

Sec. 281. Short title.

Sec. 282. Findings and purposes.